

REMARKS

At the time of the Office Action dated June 4, 2003, claims 1, 3-4, 7-13, and 19-30 were pending in this application. Of those claims, claims 3-4 have been rejected, and claims 19-30 have been withdrawn from consideration pursuant to the provisions of 37 C.F.R. § 1.142(b). Applicants acknowledge, with appreciation, the Examiner's allowance of claims 1 and 7-13. Claim 4 has been amended to recite that a first diffusion barrier layer is disposed on and contacting a first metallization layer, consistent with Fig. 3A and page 8, lines 26-29 of Applicants' disclosure. Applicants submit that the present Amendment does not generate any new matter issue.

Claims 3-4 are rejected under 35 U.S.C. § 102(e) for lack of novelty as evidenced by Li et al., U.S. Patent No. 6,331,479 (hereinafter Li)

In the second enumerated paragraph of the Office Action, the Examiner asserted that Li discloses a semiconductor device corresponding to that claimed. This rejection is respectfully traversed.

Initially, Applicants note that independent claim 4 has been amended to recite that a first diffusion barrier layer is disposed on and contacting a first metallization layer. In the statement of the rejection, the Examiner referred particularly to Figs. 12-14 of Li and asserted that the claimed first metallization layer is taught by feature 72 of Li and that the claimed first diffusion barrier layer is taught by feature 84 of Li. However, in contrast to that recited in claim 3, the first etch stopping layer 84 of Li does not contact the first copper interconnects 72. Instead, both a passivation layer 76 and a first dielectric layer 80 are formed between the first etch stopping

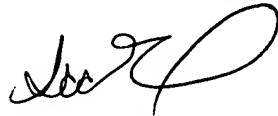
layer 84 and the first copper interconnect 72. Therefore, Li fails to identically disclose the claimed invention within the meaning of 35 U.S.C. § 102. Applicants, therefore, respectfully solicit withdrawal of the imposed rejection of claims 3 and 4 under 35 U.S.C. § 102 for lack of novelty as evidenced by Li.

Applicants have made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. However, Applicants invite the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. Accordingly, and in view of the foregoing remarks, Applicants hereby respectfully request reconsideration and prompt allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417, and please credit any excess fees to such deposit account.

Respectfully submitted,

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